

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ROSALINA MAYAS,

Plaintiff,

-against-

AMERICAN DENTAL OFFICES,

Defendant.
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AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-cv-1893 (CBA) (JO)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 31 2014 ★

BROOKLYN OFFICE

Pro se plaintiff Rosalina Mayas commenced this action on April 17, 2012, alleging that defendant unlawfully terminated her employment on account of her age. On April 4, 2013, defendant filed a motion for summary judgment. Currently before the Court is an Report & Recommendation ("R&R") issued by Magistrate Judge James Orenstein on February 25, 2014, which recommends that the Court grant defendant's motion for summary judgment.

On March 20, 2014, the Court received a submission from Mayas objecting to Magistrate Judge Orenstein's R&R. Mayas objects on the grounds that the motion for summary judgment is "premature because American Dental has not given an ex[act] reason for [her] termination" and that "the explanation American Dental gave for taking my job cannot be characterized as legitimate." (D.E. # 33 at 2.) These arguments are identical to those Mayas raised in opposition to defendant's motion for summary judgment. (See D.E. # 26.)

When deciding whether to adopt a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y.


2011) (internal quotation marks and citation omitted). When specific objections are made, however, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).

However, “[m]erely referring the court to previously filed papers or arguments does not constitute an adequate objection” under the federal rules. Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Soley v. Wasserman, 823 F. Supp. 2d 221, 228 (S.D.N.Y. 2011) (“[T]o the extent that a party makes only conclusory or general objections, or simply reiterates the original arguments, the court reviews the Report and Recommendation only for clear error.” (internal quotation marks and alterations omitted)).

Because Mayas’s submission, even liberally construed, does not contain a specific objection to any portion of Magistrate Judge Orenstein’s R&R, the Court reviews the R&R for clear error. Finding no clear error, the Court hereby adopts the R&R in its entirety as the Decision and Order of this Court. Even assuming that Mayas’s objections were proper, however, adoption of the R&R would be warranted under de novo review. The Clerk of Court is directed to terminate all pending motions, enter judgment accordingly, and close the case.

SO ORDERED.

Dated: March 31, 2014
Brooklyn, N.Y.



Carol Bagley Amón
Chief United States District Judge